IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22047 of 1994

Between:

Balaji Hazari, S/o. Seetal Singh, aged 50 years, agriculture,
r/o H.No.2-29, Nanakramguda,
Mandal Sherilingampally, Ranga Reddy District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Rep.by its Secretary,
   Revenue Department, Secretariat Buildings, Hyderabad.

2. The Collector, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of "Mandamus" directing the respondents to grant patta in respect of said extent of 5 acres of land in Sy.No.91 of Gachibowli village, Ranga Reddy District.

Counsel for the Petitioner: MR.K.PRATAP REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R:

Heard both sides.

2. The petitioner herein seeks writ by way of Mandamus for a direction to grant patta in respect of land to the extent of Ac.5-00 gts. in survey No.91 situated in Gachibowli village, Ranga Reddy District.

3. The case of the petitioner is that he has been in possession and enjoyment of the said land all along for over 40 years and he is paying land revenue also. Having regard to the same the petitioner is entitled for a patta, which is not being considered in spite of repeated requests made by the petitioner. Hence, the writ petition.

4. In the counter affidavit filed by the respondents herein, the claim of the petitioner is totally denied. The petitioner was never in possession of the land in question nor there is any cultivation by him. Further, having regard to ban for assignment, the question of granting any patta does not arise. It is further averred that the land is under occupation of various institutions and the question of evicting the petitioner, who is not in possession, does not arise. It is also pointed out that the petitioner is not entitled for any grant of patta even under the assignment also.

5. Having heard the counsel on either side and also on perusal of the material on record it is seen that the petitioner's claim is based only on the sweeping allegations made in the affidavit filed in the writ petition. There is no material in support of his possession or cultivation as claimed. Further, in view of the total denial on the part of the respondents, such disputed questions cannot be gone into by this Court in exercise of powers conferred under Article 226 of the Constitution of India, nor this Court can give any direction as sought for. There are no merits in this writ petition.

6. The writ petition is, accordingly, dismissed. No

costs.

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B.PRAKASH RAO,J.

Date: 16th September 2004
BSB/DRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1. The Secretary, Revenue Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.

2. The Collector, Ranga Reddy District.

3. Two CCs to the Government Pleader for Revenue, High Court Buildings,
Hyderabad (OUT).

4. Two CD copies.